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Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples

Note by the Secretariat

Pursuant to a decision of the Permanent Forum on Indigenous Issues at its tenth session (see E/2011/43, para. 113), Eva Biaudet, Megan Davis, Helen Kaljuläte and Valmaine Toki, members of the Permanent Forum, undertook a study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples. The study is hereby transmitted to the Forum at its twelfth session in response to that decision.

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Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples[1]

I. Introduction

1. Despite international declarations and conventions on violence against women and the vast literature analysing the phenomenon as well as recommendations for countering such violence in general, there is far less material published about violence against indigenous women and girls specifically and the ways in which indigenous women explain and understand violence. Given this lacuna, the present study pays particular attention to article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples focusing on the rights and special needs of indigenous women and girls. The Declaration calls upon States to take measures, in conjunction with indigenous peoples, to ensure that indigenous women and girls enjoy the full protection and guarantees against all forms of violence and discrimination. Adopting the framework of the *Handbook for Legislation on Violence against Women*, the study reiterates that call and takes into consideration the recommendations of the international expert group meeting on the pandemic. The recommendations are set out in the report of the expert group submitted to the Permanent Forum on Indigenous Issues at its eleventh session (E/C.19/2012/6). It describes the extent and nature of violence against indigenous women and girls across the world and concludes by emphasizing the importance of States working with indigenous peoples to adopt measures to eliminate all forms of violence against indigenous women and girls.

2. According to article 1 of the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104), the term "violence against women" refers to "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". In its General Recommendation No. 19, the Committee on the Elimination of Discrimination against Women states that such violence "is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men".

3. Many States have put in place legal, regulatory and institutional frameworks to combat violence against women, and have worked to improve coordination between different stakeholders. Best practice guidelines have been identified by the United Nations (such as the *Handbook for Legislation on Violence against Women*) and are intended to provide Member States with a basis upon which to formulate and implement better laws, policies and programmes. Nevertheless, comprehensive implementation of legal and regulatory frameworks and best practice guidelines has not occurred in all jurisdictions. The General Assembly has therefore recognized that initiatives undertaken by Member States to eliminate violence against women must be strengthened in order to ensure that they are systematic and sustained, and cover all groups of women including indigenous women.

[1] The following also contributed to the study, in terms of research and editorial assistance: Permanent Forum member Mirna Cunningham, Camille Webb-Gannon of the University of New South Wales, Rauna Kuokkanen of the University of Toronto and Tove Holmström.

II. Multifaceted nature of violence against indigenous women

4. Article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples is important because it is a provision in international law specific to the situation of indigenous women and targets Member States as integral partners in efforts to combat violence and discrimination against indigenous women and children. Scant analysis concerning article 22 (2) has been published. The international expert group meeting organized by the Permanent Forum in 2012 produced the first global report (E/C.19/2012/6) based on elaborating the meaning of article 22 (2). The present study also aims to contribute to a better understanding by explaining the various ways in which indigenous women and girls experience violence. Violence is not only perpetrated within the home or community; it is not only experienced as "traditional" or "customary" violence or even interpersonal violence. It also includes violence by the State and within the private sector. Violence experienced by indigenous women and girls "def[ies] simple categorisation".[2] Additionally, according to Amnesty International, the violence experienced by indigenous women and girls is often compounded by dual discrimination based on race and gender, particularly when they seek to take action to redress the violence.

5. Indigenous women and girls encounter violence in two key domains: within their communities (such violence might be linked to traditions and customs, and may affect the health, sexuality or freedom of movement of women and girls); and outside their home/community environments (such violence may be sexual or otherwise physical, or may be structural and committed by public officials).[3] Indigenous women have contended that violence against women is any act of violence committed against them because of their gender and as a consequence of their historical position within the patriarchal family.[4] In addition, indigenous women have argued that violence against women and girls is a phenomenon that should be analysed in a broader structural context, particularly with regard to the impact of colonization.[4]

6. Several common themes and considerations reoccur in the literature on the causes and correlates of violence against indigenous women, including the following:

(a) Violence against indigenous women and girls is multifaceted in nature and cannot be separated from colonization. This includes the violence inflicted on women and girls during historical processes of colonization, and violence that stems

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[2] Harry Blagg, *Crime, Aboriginality and the Decolonisation of Justice* (Leichhardt, New South Wales, Australia, Federation Press, 2008), p. 139; see also Kyllie Cripps, "Indigenous family violence: pathways forward", in *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Nola Purdie, Pat Dudgeon and Roz Walker, eds. (Commonwealth of Australia, 2010), p. 146: " It is widely recognised that the naming and defining of violence as it occurs within families has constituted one of the most extensive, ongoing and controversial issues in the discourse on family violence. ... For people outside such professions and discourses, namely those experiencing the violence first-hand, it is not surprising that they often lack the knowledge, language and communicative resources to interpret and apply the names and definitions created in academic and professional discourses to their own experiences".

[3] Melissa Lucashenko, "Violence against indigenous women: public and private dimensions", in *Women's Encounters with Violence: Australian Experiences*, Sandy Cook and Judith Bessant, eds. (Sage Publications, 2007), p. 147.

[4] Aboriginal and Torres Strait Islander Women's Task Force on Violence, *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* (Queensland State Government, Australia, 2000), p. 31.

from the ongoing impact of colonization including the breakdown of community structures and cultural authority which is a correlate of alcohol and drug-associated violence against indigenous women and girls;[5]

(b) Policies based on racism, exclusion and a development approach that are contrary to the principles of indigenous peoples and fundamental human rights are, in many parts of the world, still in place.[6] Such policies continue to be implemented by the State as well as through multinational corporations that operate on indigenous territories and extract resources from indigenous lands, and have a detrimental impact on indigenous women and girls;

(c) The problem of violence against indigenous women and girls is not only a question of individual human rights but also of the rights of indigenous peoples and general human rights of women and girls. The systematic violation of collective rights of indigenous peoples is a major risk factor for gender violence.

III. Women and the United Nations Declaration on the Rights of Indigenous Peoples

7. The United Nations Declaration on the Rights of Indigenous Peoples specifically mentions indigenous women three times:

- Article 21 (2) calls upon States to pay "particular attention" to the "rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the context of special measures to improve economic and social conditions".
- Article 22 (1) indicates that particular attention should be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of the Declaration.
- Article 22 (2) states that States should take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

8. Both articles 21 (2) and 22 (1) emphasize the rights and special needs of indigenous women and children. Article 22 (2) expresses in mandatory terms that States "shall" take measures, meaning there is a duty upon States to take active measures to ensure full protection and guarantees against all forms of violence and discrimination. The wording "in conjunction with indigenous peoples" reinforces the commitment of Member States through the Declaration to obtain free, prior and informed consent from, and to working in partnership with, indigenous peoples when realizing that goal. Article 22 (2) derives from race/indigenous-specific rights

[5] Aboriginal and Torres Strait Islander Women's Task Force on Violence, *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* (Queensland State Government, Australia, 2000); Paul Memmott and others, *Violence in Indigenous Communities*, Crime Prevention Branch of the Commonwealth Attorney-General's Department (Commonwealth of Australia, 2001), p. 12, available from http://www.crimeprevention.gov.au/PublicationsFamilyViolence/Documents/violenceindigenous.pdf; Amnesty International, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (London, Amnesty International Publications, 2007).

[6] Amnesty International, *Maze of Injustice* (see footnote 5 above).

and protections as recognized by the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and article 6 of the International Labour Organization's Convention No. 169 on indigenous and tribal populations, which establishes the obligation of Governments to consult with indigenous peoples when considering measures that will affect them.

9. Article 22 (2) also draws from public international law pertaining to general human rights such as protection from, and the elimination of, all forms of violence and discrimination. This includes the general prohibitions against violence and discrimination contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Article 22 (2) is similarly supported by general public international law covering women-specific rights and protections against violence and discrimination, and international law with respect to children-specific rights and protections. Such bodies of law include the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and treaty body commentary, including General Recommendation No. 19, on violence against women, of the Committee on the Elimination of Discrimination against Women.

IV. Thematic summaries

10. The following summaries reflect upon many common themes involved in the extensive phenomenon of violence against indigenous women and girls. The aim of the summaries is to provide a general overview of the challenges indigenous women and girls face in responding to violence and to illustrate how endemic violence against indigenous women and girls is in both the private and public domains. The summaries, although not exhaustive, describe different forms of violence against indigenous women and girls: customary and traditional violence; interpersonal and intracultural violence; violence with roots in colonization; sex trafficking; and violence by multinational corporations and the State, including as a consequence of resource exploitation and tourism development. Some of the information included pertains to women and girls in general, within countries having large indigenous populations, rather than to indigenous women and girls specifically in those countries, as data for each often proves difficult to separate. Each type of violence (many types of which overlap) is described, below, followed by several examples of that violence in the international context, an outline of the measures implemented by States and communities to combat such violence and an assessment of the extent of the problem remaining.

Interpersonal violence

11. Instances of physical, emotional and sexual violence against women and girls (usually perpetrated by men) is referred to variously as interpersonal violence, domestic violence and family violence (although these terms have also been used when alluding to other patterns and perpetrators of violence).[7] Viewed from a macro perspective, interpersonal violence against women and girls by men and even between women in some cultures is still cultural (rather than purely individually

[7] Cripps "Indigenous family violence" (see footnote 2 above).

pathological), stemming from a culture of misogyny that is global in its dimensions. Underreporting of such violence is ubiquitous,[8] as is internalized sexism by women.[9] Violence against women and girls is also a serious public health concern in indigenous communities. Domestic and sexual violence is associated with acute and chronic health problems among women and girls and harms their mental health, which may further limit their ability to seek safety and access to services.

Assault

12. An indication of the universality of interpersonal violence against women, particularly indigenous women and girls, can be found in a number of statistics and reports. In 2005, for example, the World Health Organization (WHO) found that 50 per cent of women in the United Republic of Tanzania and 71 per cent of women in Ethiopia's rural areas reported beatings, or other forms of violence, by husbands or other intimate partners.[9] In Kenya, 42 per cent of 612 women surveyed in one district reported having been beaten by a partner.[10] In Uganda, 41 per cent of women reported being beaten or physically harmed by a partner, and in Zimbabwe 32 per cent of 996 women reported having been abused physically since the age of 16.[9] In Tonga, women's complaints of domestic violence have increased; however, for reasons of shame, particularly when the abuser is of higher rank, there is a code of silence around such abuse.[11] Similarly, in New Zealand the true levels of violence against Maori women are not known. Notwithstanding this, nearly 20 per cent of Maori women are reported as being assaulted or threatened by an intimate partner, three times the national average.[12] In many indigenous communities in the Arctic region, the rate of women who experience violence and take refuge in shelters is higher than the national average.[13]

Murder

13. In 2003, the Kenyan Attorney General's office noted that domestic violence accounted for 47 per cent of all homicides.[9] In South Africa, one woman is killed by her husband or boyfriend every six hours.[14] In Zimbabwe, 6 out of 10 murder cases tried in the Harare High Court in 1998 were related to domestic violence.[9] In Australia, violence against indigenous women within indigenous communities has

[8] Fadwa Al-Yaman, Mieke Van Doeland and Michelle Wallis, *Family Violence Among Aboriginal and Torres Strait Islander Peoples* (Australian Institute of Health and Welfare, Canberra, 2006), p. 27; available from www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6442458606.

[9] Mary Kimani, "Taking on violence against women in Africa: international norms, local activism start to alter laws, attitudes", *Africa Renewal*, vol. 21, No. 2 (2007).

[10] United Nations Children's Fund, *Domestic Violence against Women and Girls*, Innocenti Digest No. 6 (Florence, Italy, Innocenti Research Centre, 2000); available from http://www.unicef-irc.org/publications/213.

[11] Law Commission Te Aka Matua O Te Ture, *Converging Currents: Custom and Human Rights in the Pacific* (Wellington, New Zealand Law Commission, 2006), p. 93.

[12] Ministry of Social Development of New Zealand, 2010: *The Social Report*; section entitled "Safety" available from http://www.socialreport.msd.govt.nz/documents/safety-social-report-2010.pdf.

[13] According to available statistics, young indigenous women in Canada are five times more likely than other Canadian women of the same age to die as the result of violence. See Amnesty International, "No more stolen sisters" (Ottawa, 2009), p. 1; available from http://www.amnesty.org/en/library/info/AMR20/012/2009.

[14] "Clinton's Africa vision is out of focus, say critics", *The Examiner* (2 October 2011); available from http://www.peacewomen.org/news_article.php?id=4136&type=news.

been described as having reached epidemic proportions.[15] According to Australian statistics on domestic violence, as reported in the Australian Domestic and Family Violence Clearinghouse, indigenous women are 45 times more likely to experience family violence than non-indigenous women and far more likely to be killed by their partner than non-indigenous women. The Australian Bureau of Statistics and the Australian Institute of Health and Welfare indicate that assault is a significant cause of death for Australian indigenous women — 9 to 23 times greater than the equivalent age-specific rates for non-indigenous females.

Sexual violence

14. In the Pacific region, violence against women, especially sexual assault, including the rape of women and children, is of serious concern. In Papua New Guinea, there is a high level of violence against women by their husbands and also between co-wives. Non-governmental women's groups working to end violence against women in Papua New Guinea have found that approximately 85 per cent of the cases they tend to are related to polygamy.

15. In the light of such statistics and practices, many measures have been taken to eliminate violence against indigenous women and girls across the world. Various Pacific island nations have implemented legislation on domestic violence and specialized family violence courts, such as outlined in the New Zealand Domestic Violence Act 1995. In Fiji, civil society organizations, such as the Fiji Women's Crisis Centre, women's organizations and other non-governmental organizations provide invaluable assistance in highlighting violence against women in a context where issues concerning women and children have become secondary to issues of national security.

16. In New Zealand, there have been some promising emerging practices in addressing family violence; for example, the Ngati Porou Community Education Project aims at reducing injury by addressing road safety, alcohol- and drug-related harm, family violence and playground safety. The project centres on *tikanga* (customary knowledge) and is located at *marae* (community meeting places). In relation to family violence, *wananga* (education sessions) are held to discuss situations relevant to Maoris. A *hui* (meeting) and a concert were held to raise awareness about the need to prevent violence. The New Zealand Domestic Violence Act 1995 provides programmes for adult protected persons (usually women) and regulates that *tikanga* be included in the programme design and delivery.

17. In Australia, a number of measures have been taken over the decades to combat indigenous violence against women. The most successful and enduring measures are those that are conceived of and developed by indigenous communities, with the support of the State. For example, alcohol management plans or other restrictions on the sale and use of alcohol have been in place in a number of areas for a long period of time.[16] Indigenous family violence prevention legal services have played an important role in combating family violence. Another effort involves groups of volunteers who routinely patrol main streets in order to keep an eye on

[15] Memmott and others, *Violence in Indigenous Communities* (see footnote 5 above).

[16] University of Notre Dame Australia, "Fitzroy Valley alcohol restriction report, December 2010", prepared for the Drug and Alcohol Office, Western Australia.

community members affected by alcohol.[17] According to the 2007 Australian Human Rights Commission report on social justice, shelter/protection programmes are also active. Alternative justice models, community justice groups, education and awareness programmes, such as the Mildura Family Violence and Sexual Assault campaign and the Aboriginal Women against Violence project are also operating in Sydney. There is substantial evidence in Australian literature on the issue to support the principle that indigenous community initiatives to combat violence are more likely to succeed because of the degree of self-determination exercised by such communities over their development and implementation.[18] Evidence also indicates that the involvement of men and the police is critical to that success.

18. Addressing violence in small, relatively isolated indigenous communities can be challenging due to extended family relations and the obligations that arise from such relations. A major problem in combating violence against women and girls in the Arctic region is the lack of services and programmes for victims. Too often, services for victims of crime and violence in the Arctic operate in isolation from each other. A systematic and coordinated approach is lacking. The publication entitled *National Strategy to Prevent Abuse in Inuit Communities and Sharing Knowledge, Sharing Wisdom: Guide to the National Strategy* indicates that in such communities, gaps in services, inequitable distribution of resources, burnout and loss of trained staff, an absence of training and support for front-line workers and incomplete programme evaluations impede efforts to prevent violence. A successful initiative in combating violence, the Nuluaq Project was developed by Pauktituut Inuit Women of Canada and provides a searchable database and network contact list of 400 services and programmes.

19. Although there is existing legislation in many parts of the world to eliminate sexual violence against women, enforcement remains an issue. Evidence to substantiate such violence is often questioned by enforcement agencies and victims can be reluctant to provide evidence.

Private sector violence

20. The activities of corporations have had a negative impact on indigenous traditional ways of life. In indigenous communities where mining activity exists, women and girls are more at risk of violence and health-related problems. In Ecuador's oil fields, cancer constitutes 32 per cent of the deaths, three times more than the national average (12 per cent), affecting mainly women. Seventy-five per cent of the population uses contaminated water, and women are in permanent contact with water because they are washing clothes, going to the river and preparing the local beverage. Indigenous women and girls have an increased workload and they walk more to fetch drinking water and firewood for cooking. In addition, they carry out the agricultural work since the men are integrated into oil industry employment.

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[17] David Higgens and Associates, "Best practice for aboriginal community night patrols and warden schemes: a report to the Office of Aboriginal Development" (Darwin, Australia, Office of Aboriginal Development, 1997), available from http://indigenousjustice.gov.au/db/publications/285968.html.

[18] Monique Keel, "Family violence and sexual assault in indigenous communities, walking the talk", *Australian Institute of Family Studies*, No. 4 (2004) pp. 1-31; see also Memmott and others, *Violence in Indigenous Communities* (footnote 5 above).

21. In the case of pesticides, the effects on the health of women by pollutants include high levels of toxins in breast milk, in the blood of the umbilical cord, and in blood serum and fatty tissue, causing infertility, miscarriages, premature births, early menstruation and menopause, cancers of the reproductive system, decreased lactation and the inability to produce healthy children. All of these conditions affect mothers, families and communities in the context of their relationships and in psychological, emotional and financial terms.

22. In addition, tourist activities have an impact on indigenous women and girls. Tourist resorts cause conflicts because investors put pressure on buying the lands of indigenous peoples. Even entire communities have been evicted. Women have been the most affected by the privatization of indigenous land and the loss of territorial control, for example, along the north coast of Honduras. This has an impact on tourism because the knowledge of indigenous women about local issues is central to the development of cultural and tourist activities.

Public sector violence

23. Public sector violence against women and girls is linked to the practice of private domain or interpersonal violence. Each domain of violence legitimates the other in that the personal is the political and vice versa. Widespread and long-standing patterns of violence against women and girls within personal relationships and homes have resulted in a normalization of sexual and other forms of violence in community life, which, in turn, has led to public acceptance of violence and even to a failure to recognize acts of violence as such. Public sector violence is part of a wider pattern of systemic and culturally condoned or at least accepted violence against women in the public domain, such as discrimination in the workplace or public sexual harassment.[19] Various explanations for the public perpetuation of violence against indigenous women and girls include the geographic isolation of women from solidarity movements or other services, a lack of economic opportunities for women and limited services that could educate victims about their rights and avenues for redressing violence.

24. Public sector violence against indigenous women is prolific. For example, in Australia, the representation of indigenous women in the prison system, often for petty crimes,[20] is hugely disproportionate, and in rural areas indigenous women are not provided with adequate reproductive health services.[21] In Canada, 42.7 per cent of aboriginal women live in poverty, which is double the percentage of non-aboriginal women and significantly more than the number of aboriginal men. In addition, the economic contributions aboriginal women make are often minimized and ignored. The Special Rapporteur on violence against women, its causes and consequences pointed out that in Guatemala there is impunity in cases of violence against indigenous women. The economic situation, the scarce coverage of

[19] See *Gender Matters: a Manual on Gender-Based Violence Affecting Young People* (Budapest, Directorate of Youth and Sport, Council of Europe, 2007), chap. 2, available from http://eycb.coe.int/gendermatters/chapter_2/1.html; see also "Gender aspects in post-conflict situations: a guide for OSCE staff", in *The Public-Private Continuum of Violence* (1997-2000), chap. 2, available from www.osce.org/gender/14333.

[20] See *Women in Prison: A Report by the Anti-Discrimination Commission Queensland* (Brisbane, Australia, 2006), available from http://www.adcq.qld.gov.au/pubs/WIP_report.pdf.

[21] Carole Thomas and Joanne Selfe, "Aboriginal women and the law", available from http://www.aic.gov.au/media_library/publication/proceedings/21/thomas.pdf.

resources and the geographic remoteness limit access to justice. Women are generally monolingual and the staff of relevant institutions are not bilingual.

25. Some Governments have taken measures to counter public violence against women. For example, initiatives were taken by the Government of South Africa in 2003 when it adopted a protocol to the African Charter on Human and Peoples' Rights, by which it committed to end discrimination and violence against women. In adopting the Convention on the Elimination of All Forms of Discrimination against Women, the Government of South Africa has also made a commitment to change discriminatory practices and laws, such as those that relegate women to a secondary status. However, the problem is an endemic and deeply rooted one that requires radical systemic change around the world.

Discrimination and mistreatment in the context of public services

26. Institutional violence is any act of discrimination, exclusion, restriction or impairment, by action, omission or cultural imposition that the institutions of the State perform, breaching their legal statutes, to the detriment of human rights of indigenous women. The first form of institutional violence is the lack of services. Many indigenous women do not have identification documents, a situation that affects their chances of being the beneficiaries of public services, acquiring assets or having access to credit. State programmes also lack intercultural perspective. For example, indigenous women are mistreated in hospitals as a result of using their indigenous languages, traditional dress or medicine, and often staff do not explain the condition and treatment involved.

Customary/traditional/cultural violence

27. "Culture" is often used as a justification for both violence against indigenous women and the argument that misogynous practices are traditional and thus should trump foreign or western human rights standards. In his 2006 study entitled *Ending Violence against Women: from Words to Action*, the Secretary-General stated that violence against women is one of the key means through which male control over women's agency and sexuality is maintained. Because such assumptions become internalized and accepted as "cultural", a great many cases of "traditional" violence often go unreported.

28. Examples of traditional or customary violence against women abound. In China, India and North Africa, sex-selective abortion, or female infanticide, has resulted in the "missing millions" phenomenon — demographics indicate that there should be far more women populating certain countries and regions than there currently are, according to *More Than 100 Million Women Are Missing* by Amartya Sen. In 2006, a study by the South African Institute of Security Studies found that the subservient status of women, particularly rural women, in many African countries was deeply rooted in tradition. Cultural norms such as the right of a husband to beat or physically intimidate his wife relegate women to a subservient position in relation to their husbands and other males. In both eastern and western Africa female genital mutilation is carried out.

29. The perception of women and girls as property of men not only serves to keep women and girls subservient and perpetuates violence by men against women, it has also been linked to the increase of HIV and AIDS in some parts of Africa. Upon the death of the husband, in eastern and southern Africa it is common for the wife and

the husband's property to be inherited by the husband's eldest brother. In Kenya, the wife is forced to marry even if the potential husband is infected with HIV. The spread of HIV is compounded in parts of Ghana, western Kenya and Zimbabwe, where it is believed that a man who is infected with HIV will be cured by having sex with a virgin.

30. As of 2007, only South Africa had enacted relevant and adequate laws to punish violence against women. In Kenya, the sexual violence bill was passed only after certain sections, such as one that would have outlawed marital rape, were removed. In Uganda, similar laws have existed for more than a decade. The United Republic of Tanzania and Zimbabwe have faced similar resistance to fairer legislative measures. However, in Rwanda the legislature passed several progressive laws, including one giving female children the right to inherit their parents' land and property, a right that had been traditionally reserved for males. In Guinea, public education efforts have brought together local non-government organizations and religious leaders with the aim of explaining that Islam does not condone the abuse of women.

Colonization-related violence

31. Decades and even centuries of colonialism and racism have served to perpetuate violence against women and girls in many indigenous communities. Cultures of violence, imposed by systemic racism and the infliction of direct, symbolic and structural violence against indigenous peoples through colonization, are reproduced in countless ways, leading to the implosion and severe dysfunction of many indigenous communities and cultures and subsequent increased rates of violence against women and girls.[22] Internalized racism contributing to poor self- and group-esteem (as well as "acculturative" stress) and a desire not to further marginalize their men or bring shame upon their communities often result in the acceptance by indigenous women of (or a reluctance to speak out against) violence.[23]

32. A variety of programmes have been put into place to combat "family" violence in Australian indigenous communities. Programmes aiming to address "colonization-related" violence include strengthening identity programmes intended to help develop in individuals a greater sense of self-worth and a sense of value to the community so that they become less vulnerable to factors associated with enacting violence.[24] Such programmes develop team-building skills and community values and work on everyday numeracy and literacy skills.

33. According to *Violence in Indigenous Communities*, "[t]he impact of personal, family and community disintegration in many [indigenous] societies, enacted by missions, statutes and regulations, and [government] policies, is still being realised today and should not be underestimated if genuine and workable solutions to prevent violence in indigenous communities are to be developed. What is required is treatment and 'healing' on a massive scale, including the healing of individuals, families and whole communities".

[22] Johan Galtung, "Cultural violence", *Journal of Peace Research*, vol. 27, No. 3 (August 1990).

[23] Cripps, "Indigenous family violence" (see footnote 2 above); Memmott and others, *Violence in Indigenous Communities* (see footnote 5 above).

[24] Memmott and others, *Violence in Indigenous Communities* (see footnote 5 above).

Trafficking in indigenous women and girls

34. Discrimination and poverty are root causes of trafficking in human beings, which is often referred to as modern-day slavery. Indigenous peoples, and especially indigenous women and girls, are affected by this crime to highly disproportionate degrees. Trafficking in human beings is about exploitation and control over another human being, and profiting from his or her vulnerability. Human trafficking takes many forms, including for the purpose of labour and/or sexual exploitation.

35. Human trafficking occurs in all types of economic activity and happens in all parts of the world. It is a largely hidden phenomenon, and therefore difficult to measure. According to the *Global Estimate of Forced Labour*, released in June 2012 by the International Labour Organization (ILO), 29 million people are victims of forced labour and human trafficking at any given time.

36. The *Global Estimate of Forced Labour* indicates that trafficking affects all population groups, but some groups are more vulnerable than others. ILO has confirmed that in all regions of the world, victims of human trafficking are frequently drawn from minority or socially excluded groups. In the *Cost of Coercion*, ILO reports that indigenous peoples, women and youth are particularly vulnerable to forced labour and human trafficking. It also cites long-standing patterns of discrimination and inequality as the root causes for the high number of indigenous peoples trafficked in Latin America. Similarly, in the Central African region, the subjugated position of many forest-dwelling groups puts them at risk of human trafficking.

37. Poverty is a significant root cause of trafficking. According to a World Bank report released in 2010, entitled "Indigenous peoples still among the poorest of the poor", indigenous peoples consistently account for far higher and "stickier" poverty rates than other populations and groups. The study reveals that although indigenous peoples make up roughly 4.5 per cent of the global population, they account for 10 per cent of the world's poor — with nearly 80 per cent of them in Asia. The high poverty rates that indigenous women and girls face make them particularly vulnerable to trafficking. In Canada, the difficult socioeconomic situation of First Nation peoples has been cited as one major reason for the alarming rates of aboriginal women and girls trafficked both within the country and from Canada to the United States.[25]

38. On a global scale, indigenous peoples are facing the increasing threats of land grabbing and the commercial exploitation of their lands and natural resources. The implementation of development projects, such as the construction of dams and highways, logging operations and tourism development, may have devastating impacts on indigenous communities and, to a disproportionate extent, on women and girls in the affected communities. In the Lao Peoples' Democratic Republic, massive infrastructure developments have resulted in the resettlement of many indigenous communities. According to a study conducted by the United Nations Children's Fund, entitled "Broken promises, shattered dreams: a profile of child trafficking in the Lao PDR", such resettlement has had multiple consequences, and heightened vulnerability to trafficking has been identified as one of them. Available

[25] See "Victims of trafficking in persons: perspectives from the Canadian community sector", study commissioned by and prepared for the Department of Justice, Canada, 2006. The executive summary is available from www.justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06_03/p0.html.

numbers from the Lao Peoples' Democratic Republic support not only the notion that indigenous communities are more vulnerable to trafficking but also that the majority of the victims trafficked in the region are girls. The report also indicates that a disproportionate number of the trafficked victims are from ethnic minority backgrounds. The majority of the trafficked victims (60 per cent) are young females between the ages of 12 and 18.

39. In many cases, the trafficker and the victims may be from the same community. In the Arctic, addressing trafficking and violence in small, relatively isolated indigenous communities has proved to be very challenging, owing to extended family relations and the obligations that arise from those relations. In some communities, there is a heavy emphasis on maintaining good relations within and between extended families, sometimes at the cost of individual well-being. Talking about abuse and violence, in particular sexual violence, is considered taboo. In making violence against indigenous women and girls, including human trafficking, visible, all measures fighting this crime need to be victim oriented, gender sensitive and implemented in cooperation with indigenous women.

V. Conclusions

40. Violence against indigenous women and girls is endemic in every part of the world. It occurs in the private domain within homes, families and communities and in the public domain perpetrated by the State and by corporations.

41. The reasons for community and interpersonal violence in indigenous communities are multifaceted, often exacerbated by alcohol and drug abuse, which can be part of a devastating response to colonization violence. However, caution must be adopted when viewing violence against indigenous women and girls through a "causation" lens; issues of colonization or alcohol and drugs must be seen as situational or precipitative factors and should not be invoked to absolve perpetrators of interpersonal and intracultural violence against indigenous women and girls.

42. The United Nations Declaration contains specific articles aimed at redressing violence against indigenous women and children. However, although many Member States have sought to implement some measures to combat this violence, there is still a long way to go towards its eradication.

43. The evidence is clear that where an indigenous community exercises a degree of ownership over the conception and establishment of measures to address violence, those measures are more likely to be effective and successful. Furthermore a partnership approach between indigenous communities and the State is more likely to be successful in tackling violence in those communities than a solely State-devised programme.

VI. Recommendations

44. It is recommended that:

(a) Member States increase funding for community-led violence prevention initiatives; the recruitment and training of indigenous service providers and front-

line workers; shelters; and culturally appropriate crisis and counselling services in indigenous languages;

(b) States work with indigenous communities to design education and public awareness campaigns specific to those communities and to allocate sufficient funds for this work in accordance with article 22 (2) of the Declaration;

(c) All actors who work to improve the coordination of abuse prevention services and resources, increase their cooperation and jointly coordinate services and programmes for victims of violence and abuse;

(d) In order to empower victims of trafficking, States and the United Nations system need to factor into their assistance programmes the language and cultural backgrounds of indigenous women and girls, make concerted efforts to prevent discrimination based on ethnicity and pay particular attention to restoring and building the victim's self-esteem;

(e) The United Nations system, programmes and funds that focus on combating the trafficking of human beings pay particular attention to support the identities of the victim, including their identities as indigenous peoples.

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Human rights

Study on indigenous women's political participation at the international, national and local levels

Note by the secretariat

Summary

Further to the decision of the Permanent Forum on Indigenous Issues at its eleventh session (cf. E/2012/43, para. 104), Forum members Mirna Cunningham and Sena Kanyinke conducted a study on indigenous women's political participation at the international, national and local levels, to be submitted to the Forum at its twelfth session.

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Study on indigenous women's political participation at the international, national and local levels[1]

I. Introduction

1. Indigenous women have become a visible presence since the Fourth World Conference on Women and have asserted their demands for greater political participation, beginning with their own institutions and extending to the level of the international community.[2] One of the demands and needs of indigenous women is for the creation of opportunities for the promotion of gender equality and for appointments to decision-making positions with various bodies. Despite the complexities of the process, some progress is discernible.

2. This paper summarizes some experiences, strategies and lessons learned and highlights the challenges faced by indigenous women seeking full and effective political participation, beginning with their local indigenous institutions and extending to the international level. It is hoped that their input can be taken up, especially at the World Conference on Indigenous Peoples (2014) and as part of the development agenda beyond 2015.[3]

3. To analyse how indigenous women can participate, it is necessary to recall their various forms of resistance and struggle in the defence and protection of their peoples' rights.

4. Globally, there have been significant advances in women's political participation in legal reform, affirmative action, implementation of decentralization processes, quota laws, the opening of channels for popular participation, training processes, and the strengthening of women's leadership. However, access to key areas of political decision-making is still an unresolved challenge, both for women in general and for indigenous women in particular. At the Fourth World Conference on Women, indigenous women demanded equal participation in indigenous and modern structures of socio-political systems at all levels.[4] That right was formally set out in articles 5 and 18 of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration)[5] adopted in September 2007.

5. The Permanent Forum on Indigenous Issues has also urged States to take concrete steps to increase indigenous women's participation in governance and decision-making structures at all levels; to ensure equal access of indigenous women to decision-making and governmental bodies, political parties, the judiciary, and trade unions; and, for that purpose, to promote training processes.[6]

6. Even though some governments, United Nations system agencies and international cooperation institutions have supported strategies to increase and

[1] The authors of this study acknowledge the assistance of the International Indigenous Women's Forum (FIMI), especially Mariana López, María Manuela Sequeira and Cecilia Ramírez.

[2] Fourth United Nations World Conference on Women, www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf.

[3] In carrying out this work a case study was conducted among women of hunter-gatherer peoples in Kenya; also, in-person and online interviews were done in Latin America (Kenya Population Census, 1989).

[4] Available from www.nacionmulticultural.unam.mx/declaraciones/docs/decl_223.pdf

[5] General Assembly resolution 61/295, annex.

[6] E/2004/43, para. 14 (a), (e) and (g).

enhance indigenous women's political participation, the Expert Mechanism on the Rights of Indigenous Peoples (see A/HRC/ERIP/2010/2) has said that the enforceability of such rights is often lacking, more critically so in the case of indigenous women.

7. For indigenous peoples, political participation is part of their self-determination, understood as the right to determine their political status and freely pursue their economic, social and cultural development.[7] Indigenous women have noted that political participation—even though the concept is foreign to indigenous cultures—is very important, as it empowers them. Although they recognize that traditionally, within each indigenous people, women and men have had their own forms of political participation, which was expressed through rights, duties, responsibilities and tasks incumbent upon everyone, which varied with gender, age, experience and knowledge; in every case, such participation was in the context of social, kinship and community relations and was based on imperative social norms.[8]

8. Currently, the exercise of power for indigenous women takes the form of opportunities to "attend", to be present, speak, and decide for themselves. For them, participation means visibility within the community and the ability to express their desires, ideals, position, and struggle.[9]

9. For hunter-gatherer indigenous women in Kenya, political participation means involvement in public life, to convey and communicate their demands at the national and international levels; an influence on legislative and executive policymakers at local and national levels; and involvement in the choice of decision-makers, either as candidates or by voting for those who aspire to such positions.

10. Although indigenous women recognize that the mere fact of being a woman or an indigenous person does not guarantee effective public governance, effectiveness in that area fundamentally depends on the political or ideological agenda, which is enriched by ethnic and gender diversity.[10] Indigenous women have channelled their demands through this process, pointing to needed changes among their own peoples, and have promoted external transformations, both at the State level and internationally.

II. Indigenous women's political participation as a right

11. The right of everyone to be free of any form of discrimination is contained in various human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. For the movement of indigenous women and peoples, the right to political participation has been at the

[7] Art. 3 of the Declaration.

[8] K. Sena, "Participation of Kenya's Indigenous Hunter-Gatherer Women in Kenya's Political Spaces. 2012".

[9] Eileen Mairena, "El empoderamiento para garantizar la plena, activa y propositiva participación de las mujeres indígenas y el fortalecimiento del liderazgo". First Summit of Indigenous Women of the Americas. Oaxaca, Mexico, 2002. Available fromhttp://sidoc.puntos.org.ni/isis_sidoc/documentos/12971/12971_00.pdf.

[10] N. Pacari, "La convivencia de distintas formas de producir conocimiento debe incidir en la resolución de conflictos de un país, de una sociedad pluricultural". Available from www.ub.edu/web/ub/es/menu_eines/noticies/2010/entrevistes/ninapacari.html.

centre of their demands and, through the strategies they pursue, they have sought to reduce structural factors of discrimination and achieve empowerment as possessors of human rights.

12. The Convention on the Elimination of All Forms of Discrimination against Women, in article 7, enjoins States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referendums and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

13. States have defined the third Millennium Development Goal as the promotion of gender equality and women's empowerment, a goal to be achieved by 2015. The proportion of women in national parliaments is used as an indicator for this.

14. For indigenous peoples, the right to participate in decision-making on issues that affect them has a direct impact on their full enjoyment of other human rights. Among the basic principles of human rights underpinning their right to participation are self-determination, equality, cultural integrity, free, prior and informed consent, and property (see A/65/264). That framework, contained in the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, reflects the collective dimension of this human right for indigenous peoples.

15. The right of indigenous women, as members of their peoples, to be consulted and involved in processes relating to free, prior and informed consent is supported by Convention No. 169, which requires States to institutionalize the participation of indigenous peoples through coordinated and systematic action, and by the Declaration, which contains more than 20 provisions affirming the right of indigenous peoples to participate in decision-making on a wide range of issues. The Declaration explicitly states in article 22 that in its implementation, States shall take measures, jointly with indigenous peoples, to ensure that women enjoy full protection and guarantees against all forms of discrimination; and, in article 44, that all of the rights recognized in the Declaration are equally guaranteed to male and female indigenous individuals.

16. Hence, these provisions extend the concept and scope of application of indigenous women's right to political participation. In analysing deficiencies in the protection of indigenous women from various forms of discrimination and racism (see E/CN.4/2004/80) and proposals to ensure their full political participation, thought must be given to indigenous institutions as well as the States' decision-making forums. Indigenous women, in the exercise of their political rights, must be considered individuals, but also members of their peoples; that gives rise to specific responsibilities related to the "community".

17. The International Convention on the Elimination of All Forms of Racial Discrimination recognizes their right to non-discrimination as indigenous women and the Convention on the Elimination of All Forms of Discrimination against Women recognizes their rights as women. In that context, the treaty bodies of both instruments (see A/HRC/EMRIP/2010/3) have made recommendations relevant to indigenous women's political participation in various countries. They have recommended that States take measures to ensure that more women, and in particular indigenous women, participate in public life and in decision-making processes, and that States step up their efforts to ensure full participation by indigenous peoples, and especially indigenous women, in the affairs of all levels of public administration.

III. Progress and challenges in indigenous women's political participation

18. Great difficulties arise in analysing the ways in which indigenous women participate. There is a shortage of up-to-date statistics disaggregated by gender, and specific data on indigenous women is scarcer still. The Latin American region is where the greatest progress has been made in compiling statistical data and qualitative studies on them. Some results are presented below.

Local and community level

19. Articles 4 and 5 of the Declaration recognize indigenous peoples' right, in exercising their right to self-determination, to autonomy or self-government in matters relating to their internal and local affairs, and to maintain and strengthen their distinct political, legal, economic, social and cultural institutions. From the point of view of indigenous women, those rights have been the primary focus of their efforts to increase their presence, make their voices heard and secure the support of the rest of the community for their specific demands as women.

20. Historically, some indigenous peoples like the Ogiek in Kenya have not been socially stratified. They never had chiefs or councils of elders. Individuals belonged to an extended family, a sublineage (Kot), a lineage (Kurget), a clan (Oret), an age grade (Ipinta) and an age set (Ipin). Community relationships were shaped by these ties, which were governed by strict community rules obeyed by all. Decisions were made by consensus. Among Ogiek women there were experts in conflict resolution, wise women, and traditional healers. That situation was not very different from that of other indigenous peoples.

21. The Expert Mechanism has noted that in many indigenous societies, women continue to play important decision-making roles, in particular with respect to cultural and ceremonial acts involving interaction, learning and knowledge transfer between generations. Through these processes, women learn to fend for themselves and teach others to do so. Furthermore, women daily make important decisions on farm work and the choice of crops and on the family's daily food supply, contributing to the livelihoods of families and communities (see A/HRC/EMRIP/2011/2).

22. The challenge, however, as pointed out by the Permanent Forum, is that traditional roles have been eroded by the combined effect of the loss of natural resources, depletion of ecosystems, conversion to cash economies, changes in local

social and decision-making structures, and a lack of recognition in State policies (see E/C.19/2009/8, para. 1).

23. In this context, women have proposed new forms of bonding within communities and families and with men, creating propitious conditions for exercising their rights on a more equal footing, and even defying oppressive customs and traditions.

24. In some cases, certain patterns have changed, for example, reproductive age, leadership roles, positions to be filled, relations with the leaders of organizations, specific demands, and the creation of specific structures for women within or without the mixed group, "moving from the private to the public sphere".[11] Collective struggles for territory, resources, autonomy, basic intercultural services, to name only these, have served to politicize their ethnic and gender identities.

25. Among the strategies used to increase their political participation in indigenous institutions have been the following:[12]

(a) *Establishment of women's organizations*. Because it has been so hard to have their achievements recognized, women have formed their own organizations in order to be invited into community activities on equal terms.

(b) *Quotas for women in indigenous governments and organizations*. In other cases, they have negotiated with men for quotas of women participants, creating offices or secretariats for women or families. Some indigenous organizations have adopted strategies of equal ratios of women and men.[13]

(c) *Appealing to the indigenous world view*. In communities and villages in which the world view serves as the basis of the order of things and thus of communal government, women, and especially young women, have resorted to community negotiation, appealing to the world view with the argument that because their foremothers were recognized, their voices and approaches too must be taken into account.

(d) *Reconstitution of ancestral institutions*. Through harmonious cooperation between women and men, ancestral institutions are being recovered, as a first step toward recovering indigenous systems of gender relations based on duality and complementarity. In the Andean zone, for example, using the ancestral concept of Chacha Warmi (gender complementarity), the Mama Talla's complementary role to the husband in *ayllu* (communal governments) is being reassessed. These are, so to speak, political duties carried out by a couple through relations of duality and complementarity. Women play the ritual role, men one of oral communication.

(e) *Seeking positions traditionally held by men*. Another strategy has been to promote the candidacy of women for positions in local governments.

26. Some factors that limit women's participation at the community level are their scant participation in community assemblies (they often attend on behalf of

[11] Cf. Martha Sánchez Néstor, "La doble mirada. Voces e historias de mujeres indígenas latinoamericanas", published by the Instituto de Liderazgo Simone de Beauvoir and UNIFEM, Mexico City 2005.

[12] Fondo Indígena, Universidad Indígena Intercultural, "Miradas críticas desde el Abya Yala", vol. 1, 2012.

[13] Organización Nacional Indígena de Colombia (ONIC), Coordinadora Andina de Organizaciones Indígenas (CAOI) and Consejo Indígeno de Centroamérica (CICA).

husbands or fathers and do not seek representation as women; when they speak they are ridiculed, to the grave detriment of their self-esteem); the fact that they are not organized as a collective; and their ill-treatment in the community when they participate, which injures their personal integrity in the eyes of their family and the community. Often a breach of community rules is punished by social sanctions.

Municipal level

27. In recent decades indigenous peoples have presented candidates in municipalities. A number of factors have given indigenous women easier access to municipal councils; among these are legal reforms, migration, decentralization processes, the search for options in the face of increasing conflicts and power struggles among members of the political forces, the increased number of professional women, and the progress being made in the fight against discrimination and for the rights of women and indigenous peoples. [14]

28. In general, indigenous women have been elected to run the poorest and most marginalized municipalities—in some cases, communities racked by tensions and conflicts. Most are women with exceptional leadership skills and a history of intergenerational family struggle. Balance between their private and public lives can become difficult, and they may be forced to negotiate with their families.[14]

29. In these cases they are seen to work differently. In particular, they have greater contact with the community and are seen as offering ways of resolving conflicts and of doing politics differently. For them, power means community service, transparency in governance, and greater moral responsibility, and they work harder for the people's safety. Not only does having a woman in charge of a municipality change women's public image, it fosters a change in mentality that begins with women themselves and leads to a change in attitude toward women in general.[14] One gain from these changes has been the ability for indigenous women's organizations to make progress in establishing partnerships with local governments, helping them to pursue their policy agendas and gain influence with other levels of government.

30. The main problems facing women at this level have to do with the negative comments generated by their presence in the public arena, which in many cases creates a cultural rift. There is a very common assumption—by men and women alike—that women are unable to cope successfully with the demands of a management role, so it is important for them to have a strong support base. The organization of indigenous women politicians in Guatemala has promoted training and technico-political support for women elected to municipal office.

31. The Constitution of the Free and Sovereign State of Oaxaca and the Oaxaca Code of Political Institutions and Electoral Procedures ensure respect and protection for the democratic practices of those communities that choose their authorities by tradition and custom. Of Oaxaca's 570 municipalities, 418 elect their authorities under customary law; nine are governed by women, of whom seven were elected under the indigenous communities' own customary system.[15]

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[14] Margarita Dalton, "Democracia e igualdad en conflicto. Las Presidentas municipales en Oaxaca. Tribunal Electoral del Poder Judicial de la Federación." CIESAS, Mexico City, 2012.

[15] This was the first entity to legislate recognition of indigenous rights, 10 years before the same was done by the Political Constitution of the United Mexican States.

National level

32. Article 5 of the Declaration recognizes indigenous peoples' right to participate fully, if they so choose, in the political, economic, social and cultural life of the State. In recent decades there has been a growing tendency for indigenous peoples to demand more and better participation in State affairs. The argument put forward to promote indigenous women's participation has been the "ownership" of human rights they have attained as women and as members of indigenous peoples.

33. At the national level, women's political participation has advanced very slowly. In recent decades, a number of States have incorporated gender equality and the rights of indigenous peoples into their constitutions, thus promoting progress. Similarly, quotas have been set by several States to guarantee women's participation. There have been scattered cases of indigenous women in parliaments who have undertaken constitutional reforms, and indigenous women have slowly been entering legislative bodies.

34. A distinction can be made between national bodies representing indigenous peoples and the general structures of the State. A few specific cases are referred to below.

35. In the Nordic countries, women's representation in elected public bodies is the highest in the world. However, the situation in the Sami Parliament is quite different, as women are poorly represented. In Finland, there are 21 members in the Sami Parliament of whom seven, or 33 per cent, are women. In Sweden, out of 23 members, 8 are women and 15 men—nearly twice as many men; In Norway, of 39 members only seven are women— a rate of women's participation of only 18 per cent. To date, only men have presided over the Sami parliaments. However, in Finland, a woman was recently elected deputy speaker, and in Norway the deputy speaker has always been a woman. In 1993 a position was established to coordinate efforts to promote women within the Sami Parliament of Norway, but to date it has not led to any increase in women's representation.[16]

36. In 1986, New Zealand's Royal Commission on the Electoral System considered special seats in Parliament for the Maori, and these were retained when the Electoral Act was amended in 1993. Historically this was the first strategy promoted to ensure the participation of indigenous peoples in parliaments.

37. Under Kenya's constitutional reform, article 27(2) provides for the State to enact legislation, in particular, to ensure that no more than two-thirds of the members of elected or appointed bodies shall be of the same gender.

38. In the Plurinational State of Bolivia, women's participation in decision-making was promoted by the establishment of the Quotas Act in the Electoral Code of 1999. That legislation complements the Citizens' Associations and Indigenous Peoples Act of the Plurinational State of Bolivia. It allows indigenous people to present their own candidates at national and municipal elections without belonging to a political party.

[16] Jorunn Eikjok. Discussion in "Gender in Sápmi", available from www.iwgia.org/iwgia_files_publications_files/IA_1-2-04.pdf.

Furthermore, article 8 of the Act requires the establishment of a quota of women candidates of not less than 50 per cent.[17]

39. In Nicaragua, although since 1987 the country had been implementing an autonomy regime that recognizes the individual and collective rights of indigenous peoples and ethnic communities over about half of the country, in 2008 the Committee on the Elimination of Racial Discrimination expressed concern at the slight participation of indigenous peoples in Nicaragua's political life, particularly in its autonomous regional councils (CERD/C/NIC/CO/14). Women and regional authorities in the North Atlantic Autonomous Region have pushed for the promotion and adoption of a gender equality policy that includes measures for the empowerment of women; the implementation of electoral quotas for women in two of the political parties; and a political education programme for the Region's women. As a result, women's representation among Autonomous Regional Council members went from 4 per cent to 40 per cent. Nicaragua has also adopted an electoral law which, in the case of the Autonomous Regions, designates candidates for certain constituencies on the basis of quotas for each of the indigenous and ethnic communities, thus guaranteeing the multi-ethnic membership of the Autonomous Regional Council.[18]

40. In Panama's indigenous region of Kuna Yala the Kuna General Congress is the highest authority. The Region is governed by three grand chiefs elected by the Congress, in which 49 communities are represented by 49 *sailas*. Each community is required to include a woman in its delegation. Some women have held positions within the local hierarchy, as president of the Emberá-Wounaan Congress or as chiefs. In each region there are women's organizations, and at the national level indigenous women are organized into the National Coordination of Indigenous Women of Panama.

41. Peru, for its part, has adopted its Act on Equal Opportunities for Women and Men,[19] which specifically mentions promoting the participation of rural, indigenous, Amazonian and Afro-Peruvian women and their integration into decision-making. Peru has also enacted a Regional Elections Act[20] which, in addition to a gender quota, stipulates an ethnic quota.

42. Colombia, the Bolivarian Republic of Venezuela and Panama also set specific quotas for members of indigenous peoples in legislative bodies.

43. In Guatemala, Rigoberta Menchú's presidential candidacy, on behalf of the indigenous political party "Winaq", set an important precedent. In her own words: "*We are the voice of the silenced thousands who have no place and only take orders.*". She highlighted her gender and indigenous origin in a country she called "*sexist, racist and exclusionary*".[21]

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[17] The State Constitution passed in Sucre on 24 November 2007 by the Constituent Assembly of the Plurinational State of Bolivia provides as follows: "All citizens and citizens (women and men) shall have the right to participate freely in the formation, exercise and control of political power, directly or through their representatives, and individually or collectively. Participation shall be fair and equal for men and women." (article 26, section II).

[18] Art. 142, Electoral Act, No. 331.

[19] Act No. 28983.

[20] Act No. 27683. The same applies to the Municipal Elections Act, which establishes a gender quota of 30% and an indigenous quota of 15% (Law No. 26864 amended by Law No. 27734).

[21] IPS Noticias, 2007 interview (www.ipsnoticias.net/nota.asp?idnews=41977).

44. If the right to participation in elections has become a collective one, it has been mainly owing to the demands for respect for traditions and customs, which, though they have been more prevalent in local elections, have not been absent from the debate in national elections. The Inter-American Court of Human Rights, in the case of *Yatama vs. Nicaragua*, recognized indigenous peoples' right to participate in the general public life of the State, citing also a collective element requiring States to take special measures to ensure real participation, based on indigenous peoples' values, traditions and customs, in the State's political structures and institutions.[22]

45. An analysis of the various strategies promoted by women in general, as well as by indigenous peoples, to increase their presence in their parliaments, shows that they have failed to improve the participation of indigenous women. Where "assigned seats" exist, they have been held by men, while quotas or special districts have not benefited indigenous women either.

46. Legislative advances have led to the creation of opportunities for indigenous women within government institutions concerned with gender, and in some cases at institutions on indigenous issues.

47. Marion Scrymgour was the first woman Aboriginal minister in the history of Australia; she was the member for Arafura from 2001 and served in Cabinet between 2002 and 2009. She held the portfolios of employment, education and training; family and community services; child protection; indigenous policy; arts and museums; and women's policy. In 2009 she resigned from Cabinet for health reasons.

48. A number of countries have had women as cabinet ministers (Ecuador, Nicaragua, the Plurinational State of Bolivia, Guatemala, Mexico, and the Bolivarian Republic of Venezuela) in such portfolios as foreign affairs, justice, peace, culture, productive development and plural economy, rural development, or lands. Female judges have also served in the judicial systems of Ecuador and Nicaragua.

49. In Guatemala, after the signing of the peace accords, an Indigenous Women's Ombudsman was appointed, a strategy that was adopted in other countries as well. With the opening of these channels for participation, it became possible to develop strategies to obtain political influence. Another interesting experiment, which strengthened the capacity for political participation, was the Women's Centres in Mexico, where leadership has been built up based on an analysis of the causal factors of maternal mortality and links have been forged among stakeholders to address that situation.

50. All these processes must be accompanied by an indigenous women's movement having the organizational capacity to move forward by engaging in alliances, negotiations and policy advocacy. It has been observed that the development of concerted agendas can allow influence to be exerted at different levels. All successful cases have been marked by intercultural leadership training processes where the approach to curriculum development is participatory, content is linked to participants' specific situation, and the training incorporates the knowledge, history and background of indigenous peoples and specifically women; women's organizations are involved throughout the training process; the selection

[22] Available from www.corteidh.or.cr/docs/casos/articulos/seriec_127_ing.pdf.

and monitoring of participants is done with the support of community organizations; and indigenous teachers are included.

51. The participation of indigenous women in legislative, executive and judicial authorities has had the following features:

(a) Indigenous women's participation has been achieved through collective decisions and processes aimed at building equitable, inclusive political projects. In the case of Nicaragua, it has been linked to the process of building the regional autonomy system and, in Ecuador and the Plurinational State of Bolivia, to the processes of construction of plurinational states and the concept of "living well";

(b) In the case of Guatemala, the inclusion of indigenous women was part of the peace process, after the signing of the Peace Accords;

(c) In the case of Ecuador, Nicaragua and Guatemala, political participation has continued with the formation of indigenous political parties and movements (such as the Movimiento de Unidad Plurinacional Pachakutik-Nuevo País, YATAMA and Winaq);

(d) The establishment of compensatory (affirmative action) measures to ensure indigenous participation does not necessarily ensure that women will participate. For example, in Colombia, congresswoman Orsinia Jusayú Polanco, of the Wayuu community, was the first indigenous woman to hold the seat reserved for indigenous peoples in the House of Representatives under the 1991 Constitution. Two more seats in the Senate are also reserved for indigenous peoples, but have never been held by a woman;

(e) In carrying out their duties, women promote practices closer to their own cultures. In Peru, for example, the congresswomen Hilaria Supa and María Sumire insisted on taking the oath in their mother tongue;[23]

(f) As elected lawmakers are mainly members of mainstream political parties, they seldom enrol prominent indigenous female activists;

(g) Women need a strong link to their bases to avoid being absorbed by the political parties.

52. There are a number of initiatives underway to promote indigenous women's participation in the political arena. For example, in January 2010 a conference was held called "Weaving Strategic Alliances for Governance and Democracy in Latin America and the Caribbean" at which indigenous women parliamentarians from Latin America discussed strategies to promote legislation designed to guarantee indigenous women the full exercise of their rights under national and international legislation, and also to promote more and better opportunities for political participation in decision-making; mutual support links between women parliamentarians and those not in parliaments; information exchange in an atmosphere of sisterhood and solidarity; enhanced communications and relationships with the grassroots and a common agenda for indigenous women in the framework of the United Nations Second International Decade of the World's Indigenous Peoples. One of the strategies proposed was to work in partnership through the creation of a network of indigenous women parliamentarians and

[23] Mujeres indígenas a la conquista de sus derechos. Available from www.noticiasaliadas.org.

ministers to strive for good living or living well, free of violence against women, with zero maternal mortality and with respect for Mother Earth.

53. Various impediments to women's participation have been identified—this was in the context of Kenya, but they may be considered widespread:

(a) Lack of commitment to women's issues among leaders and officials;

(b) Lack of financial resources to participate in political life;

(c) Low self-esteem;

(d) Language barriers;

(e) Distances, lack of access roads. Women must travel long distances on foot to deal with training or management maters;

(f) Security issues. In some cases, the dominant groups over whom influence is sought are armed;

(g) Ignorance of and lack of access to new information technologies. For example, hunter-gatherers in Kenya have access to radio transmitters but do not use them for lack of energy, and do not have access to print media, much less the Internet.

International level

54. Indigenous women have participated in global processes to assert indigenous peoples' rights. They have also been important players in the processes advocated for by the women's movement. They have participated in the follow-up to the plan of action of the Beijing Platform for Action and the Cairo Plan of Action. To follow up on the Convention on Biological Diversity, they formed the Indigenous Women's Biodiversity Network and are part of the caucus that tracks the negotiations on sustainable development and climate change. They have also been active promoters of the formulation and implementation of policies in United Nations system agencies.

55. One trend that has been observed in women's organizations is that they are banding together in local, national and international networks, so that in Asia, Africa and the Americas there are now continental networks of indigenous women. These efforts by indigenous women have helped bring concerted approaches before the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, with the notable participation of young indigenous women. Other areas in which indigenous women have been participating are:

(a) The Commission on the Status of Women. This has resulted in two resolutions, namely: resolution 49/7, contained in the report of the 49th session, entitled "Indigenous Women: Beyond the Ten-year Review of the Beijing Declaration and Platform for Action" (E/CN.6/2005/11 and Corr. 1) and resolution 56/4, contained in the report of the 56th session, entitled "Indigenous Women: Key Players in Poverty and Hunger Eradication" (E/CN.6/2012/16 and Corr. 1);

(b) The United Nations Permanent Forum on Indigenous Issues. Since its inception in 2000 it has had more men than women members; only during the current period (2011–2013) has there been gender parity. During its sessions the Permanent Forum has made over 100 recommendations on indigenous women,

addressing a wide range of topics. The third session was devoted to indigenous women; at that time the Permanent Forum recognized the contributions of indigenous women and expressed concern at the many forms of discrimination experienced by indigenous women, for reasons of gender, race and ethnicity, and the complex problems arising from such discrimination;

(c) The Convention on the Elimination of All Forms of Discrimination against Women. The Committee has made several recommendations regarding indigenous women and, at its 52nd session, women's organizations presented an alternative report (CEDAW/C/MEX/CO/7-8).

56. Over the last three decades, a growing number of indigenous women from Asia have actively participated in various international forums, particularly at United Nations meetings and at conferences organized by United Nations agencies, international non-governmental organizations and Governments to examine human rights, women's rights and processes related to environment and development. Conscious efforts to provide financial support to women through the United Nations Voluntary Fund for Indigenous Populations, the Human Rights Fund for Indigenous Peoples and other government agencies have ensured that women's perspectives and proposals will be visible and will have equal representation at these forums.[24]

57. At the international level, some factors have been identified that limit participation by indigenous women, a few of which are:

(a) Lack of financial resources, given that travel to other countries is always very expensive;

(b) Lack of connections and support networks. It is difficult to participate effectively at the international level if you lack local contacts who are able to resolve logistical issues, or you cannot easily adapt to often very different environments;

(c) Unfamiliarity with the dynamics of international forums. Often indigenous women do not know how to participate effectively and have great difficulty understanding the mechanisms, and how to exert influence and negotiate;

(d) Little knowledge of international instruments and the United Nations system. It takes time to know and assimilate international instruments, to be able to use them and apply them to the context of indigenous peoples.

IV. Conclusions

58. In this study an attempt has been made to describe briefly the situation of indigenous women as regards their political participation the world over. It should be emphasized, first of all, that the task was a difficult one given the lack of reliable, up-to-date statistics disaggregated by ethnicity.

59. The study nevertheless shows, mainly from interviews with women leaders, that patriarchy, racism and discrimination are central factors in women's limited access to political participation. Any analysis one attempts must be framed by those three factors. Among the other inhibiting factors are women's fears and low self-esteem, their ignorance of discussion forums, the paucity of accessible information,

[24] J. Lasimbang, "Mujeres indígenas y activismo en Asia: Las mujeres aceptan el desafío".

and the fact that political participation is not institutionalized among indigenous women.

60. Our work has enabled us to discern some strategies that have been effective in increasing indigenous women's participation in various fields.

Processes of empowerment and organizational strengthening

61. Over the years, the indigenous women's movement has undergone some consolidation. Not only are improvements observable in indigenous organizations' organizational capacity, but it is noteworthy as well that their interaction—in various forms—with State bodies, the United Nations system, and agencies for international cooperation, among others, is on the rise (see E/C.19/2009/CRP.15). They have made progress by finding common ground through national, regional and global coordination mechanisms operated by various networks, including the Continental Network of Indigenous Women of the Americas, the Alliance of Indigenous Women of Central America and Mexico, the Asian Indigenous Women's Network, and the International Indigenous Women's Forum.

Promoting leadership skills and training

62. Leadership training processes are a priority, and their effects are multiplied through various strategies. Networks are used, as well as popular media channels. Indigenous women see a need for long-term training activities based on principles, values and methodologies in line with their cultural world view. Organizational strengthening too is achieved through productive projects and by extending credit to enable indigenous women leaders to work as social managers and earn recognition in their communities.

Exchanges and systematization of experiences

63. Indigenous women's organizational experience is quite varied, and not all are at the same stage. Over the years partnerships have been established between the organizations, and opportunities for exchange and discussion have been found, such as summits, forums and meetings as well as networks and virtual platforms. The transfer of accumulated experience from the older to the younger generations is a practice deeply rooted in indigenous cultures. The intergenerational exchange between women promoted by some organizations can be understood as a way to improve young people's participation.

64. Moreover, the dialogue between women in communities with women who have reached positions of power promotes the empowerment of women locally and further legitimizes women in positions of power. The experience of indigenous women who have attained positions of political power shows indigenous women in their communities that change is possible and affords an experiential model of what all of them can aspire to.

Consolidation of networks and alliances

65. There are networks of indigenous women that enable them to optimize the use of their human, technological and financial resources. Networking also allows them to create and build strategic alliances. There are experimental alliances between indigenous women's organizations and training institutions, community radios,

national government agencies and local governments, international cooperation agencies and the United Nations system.

66. Support has been given to certain endeavours for strengthening networks by such bodies as UN-Women,[25] the United Nations Population Fund, the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, the National Autonomous University of Mexico, and Mexico's Centre for Social Anthropological Research and Education (CIESAS).

67. Networks and alliances are channels through which information is exchanged, ranging from technical resources to training programs, symbolic support, and more. They enable indigenous women to articulate their demands and to achieve greater visibility and advocacy capacity, thereby improving access to participation. The alliances have evolved over time. Indigenous organizations have gradually realized the importance of opening lines of communication to other social movements. Indigenous women, for example, have approached the global women's movement, and without giving up their specific demands and priorities have been able to forge links to certain processes,[26] strategically leveraging channels of influence and resources of various kinds.

V. Recommendations

To States

68. Incorporate legislative-level affirmative action on ethnic and gender parity, with quota regulations to reduce and ultimately eliminate discrimination against indigenous women in the political arena.

69. Enact public policies that will promote the implementation of affirmative action with an intercultural approach, ensuring that indigenous women will hold decision-making positions at the local, municipal, national and international levels.

70. Compile data on public officials, disaggregated by sex and ethnicity, to show exactly how many indigenous women are in decision-making positions, at what rank and in what areas.

71. Design and implement, within the standards framework, tools to monitor indigenous women's political participation in order to eradicate discrimination and structural racism in public entities.

72. In reports submitted to treaty bodies (especially the Committee for the Elimination of Racial Discrimination, the Committee for the Elimination of Discrimination against Women, and the universal periodic review), include current and reliable statistical information on the status of indigenous women's political participation in the country.

73. Take measures to ensure protection, security and support for indigenous women taking up positions of power and facing threats, abuse, discrimination and violence.

[25] "Indigenous women working together, raising the volume". Available from www.unwomen.org.

[26] See indigenous women's participation in the Gender Equality Architecture Reform (GEAR) campaign.

74. Recognize, enhance and financially support training initiatives and those for the promotion of political participation undertaken by networks of indigenous women's organizations with a view to effective coordination of government and inter-agency programmes with the agenda of indigenous peoples and women.

To United Nations agencies, particularly UN Women and the United Nations Development Programme

75. Conduct training workshops for indigenous women on politics and legal and electoral procedures, to equip them with better management tools for effective governance, based on their peoples' world view, and to help them create knowledge that grows from their own cultural identity and conceptualize their own vision.

76. Conduct qualitative and quantitative studies on the current advances in, and challenges to, indigenous women's political participation at the global level, to identify best practices, obstacles and lessons learned.

77. Support the leadership and training processes already being developed by indigenous women's organizations themselves to enhance their members' political participation, including experience sharing activities.

78. Support activities such as summits, symposia and preparatory meetings held to consolidate networks and strategic alliances that will enable indigenous women to build their capacity at various levels and in various areas of political action.

79. Support indigenous women's organizations as they seek to raise the awareness of traditional authorities, to promote the acceptance of indigenous women in ancestral functions.

80. Promote comprehensive projects that will include indigenous people, not only women but men as well, to build awareness and understanding of the importance of women in the governance schemes of indigenous peoples.

81. Promote leadership building processes that will take into account political participation not just at the national or international level, but also at the grassroots level, including problems affecting the livelihoods of indigenous peoples at the local and community level.

82. Promote and ensure effective participation of women and young people in the World Conference of Indigenous Peoples to be held in 2014 and in its preparatory processes.

83. Promote and ensure effective participation of indigenous women and young people in the process of building the post-2015 development agenda.

To indigenous peoples' organizations

84. Involve young indigenous women in processes of training, coordination and advocacy, based on the seventh generation principle, with a view to building new political leadership cadres at the community, national, regional and international levels.